

Chapter 5. Certification of the List of Eligibles and Appointment

5.1 Creation of Eligibility List

At the completion of the examination requirements set forth in Chapter 4, the Commission shall rank all passing applicants on a list with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list. Applicants for patrol officer who qualify for veterans' preference points shall have those points added to their passing score prior to being ranked on the eligibility list.

For promotional positions, fulfilling the general qualifications as set forth in Chapter 3.5 through 3.10 is also required. In the case of tied scores, the tie will be broken by giving preference to the applicant who submitted a final completed application first. If both tied applicants submitted their complete applications on the same day, then the tie will be broken by the drawing of lots giving preference to the applicant who draws the highest number

The eligibility lists will be valid for two (2) years from the date the Commission ranks all passing applicants, assigns veterans' preference points and formally adopts the eligibility lists. The Commission may, at its sole discretion, before the original expiration date, by a vote of the majority of the Commission at a duly authorized commission meeting, extend the lists for up to an additional one (1) year. The Commission may at its sole discretion void an eligibility list at any time for any reason which may include the desire of the Council to avoid selecting from those ranked near or at the bottom of the list.

5.2 Removal of Names from Furlough or Eligible List

In addition to the reasons stated in these Rules and Regulations as grounds for removal, the name of any person appearing on the furlough list or an eligible list shall be removed from such list by the Commission if such person:

- A.is appointed to a position in the Police Department of the Borough;
- B.requests removal from the list in writing;
- C.declines an appointment to a position in the Police Department of the Borough;
- D.fails to make written reply to the Commission within seven (7) calendar days from the date of mailing of a notice of appointment in the case of initial appointment or failure to make reply to the Commission within thirty (30) calendar days from the date of mailing of a notice of reinstatement from furlough;
- E.indicates availability for appointment and is appointed to fill a vacancy but fails to report for duty at the time prescribed by the appointing authority, unless, in the opinion of the appointing authority, such person can show good and sufficient reasons for failing to report. In the case of a new hire from an eligibility list reporting for duty means reporting for a medical and/or psychological examination.

5.3 Appointment

A.Borough Council may fill any vacancy in an existing position in the Police Department which occurs as a result of expansion of the police force, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the police department who had been furloughed. (Note: Such events create vacancies only when Council has concluded that this is the case.)

B.If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, every position, except that of Chief of Police, shall be filled only in the following manner:

- 1.Borough Council shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names from the list of eligibles;
- 2.If three (3) names are not available, then the Commission shall take the steps necessary to create a new list;
- 3.The Borough Council shall make an appointment from one of the three names certified with reference to the merits and fitness of the candidates. However, for initial appointment to the position of police officer, when one of the three applicants on the certified list is a veteran, that applicant shall be selected.

C.The Borough Council may object to one or more of the persons certified for the reasons set forth in Chapter 3.12 of these Rules and Regulations. If the candidate to whom the

Borough Council objects fails to timely exercise his rights of appeal under Chapter 3.13 or if the Commission declines to uphold his appeal, the Commission shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three candidates from each name stricken off.

5.4 Appointment of Chief of Police

In the case of a vacancy in the office of Chief of Police, the appointing authority has full discretion in selecting the individual to fill the position of Chief of Police. If the appointing authority requests the Commission to subject that person to a noncompetitive examination, and if that person successfully passes the noncompetitive examination, then the Commission shall notify the appointing authority of the results of the examination and that person may only be removed from the position of Chief of Police for the reasons set forth in Chapter 6.3.

5.5 Medical and Psychological Examinations

After the appointing authority selects a candidate from the certified list of three (3), that selectee shall submit to a post-offer medical examination which may include a drug screen by appropriate screening experts. When the post-offer medical exam demonstrates no reason why the selectee cannot, with or without reasonable accommodation, perform all of the essential functions of the job, the selectee's appointment shall be finalized. If the candidate successfully passes the medical and psychological examinations, then that employee shall be appointed to the vacant position in the Police Department for which the application was submitted. The Commission adopts the medical and psychological requirements of the MPOETC. Upon receiving information from the medical and/or psychological examination that indicates the selectee is unable, with or without reasonable accommodation, to perform all of the essential functions of the job, the Commission shall offer to meet with the selectee for the purpose of engaging in an interactive discussion with him regarding the findings of the medical/psychological examinations. The goal of this interactive discussion would be to explore with the selectee whether he was aware of any recommendation he considered to be unreasonable and which would allow him to perform all of the essential functions of the job he seeks.

The rejected candidate may appeal this decision under Chapter 3.13. The Commission shall then certify another name to be included with the two previously certified names for consideration by the appointing authority pursuant to Chapter 5.3.

5.6 Probationary Period

Every successful applicant to the position of patrol officer or a new promotional position with the Police Department shall serve a twelve (12) month probationary period. During the probationary period, a newly hired officer may be immediately dismissed for cause for the reasons set forth in Chapter 6.3. A promoted officer, during his probationary period, may be immediately returned to his prior rank for cause for the reasons set forth in Chapter 6.3. At the end of the twelve (12) month probationary period, if the general performance of the probationer has not been satisfactory to the Borough Council, the probationer shall be notified in writing that he will not receive a permanent appointment. At that time, a newly hired officer's employment shall end and a promoted officer shall return to his previous rank. Any officer who is informed in writing that he will not receive a permanent appointment has no rights of appeal under these Rules and Regulations.

5.7 Provisional Appointments

Whenever there are urgent reasons for the filling of a vacancy in any position in the Police Department and there are no names on the eligible list for such appointment, the Borough Council may nominate a person to the Commission for noncompetitive examination. The nominee may be certified by the Commission as qualified after a noncompetitive examination and he may be appointed provisionally to fill such a vacancy. It shall thereupon become the duty of the Commission within six (6) months to hold a competitive examination and certify a list of eligible and then a regular appointment shall then be made from the name or names submitted by the Commission: provided, that nothing within this Chapter shall prevent the appointment, without examination, of persons temporarily as police officers in cases of riot or other emergency.